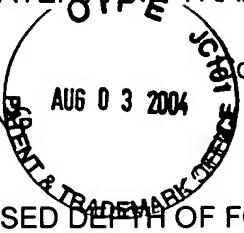


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/800,274 Confirmation No.: 1320  
Applicant : J. STUART CUMMING  
Filing Date : March 12, 2004  
Title : LENS FOR INCREASED DEPTH OF FOCUS  
Group Art Unit : 3738  
Examiner : not yet assigned  
Docket No. : 13533.4041  
Customer No. : 34313



Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449. In accordance with the USPTO waiver of the requirement under 37 CFR 1.98(a)(2)(i), only copies of foreign patent documents and non-patent literature are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

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CERTIFICATE OF MAILING (37 CFR §1.8)

I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Dated: July 29, 2004

DOCSOC1:152715.1

Sally Hartwell

Applicant : J. STUART CUMMING  
Appl. No. : 10/800,274  
Examiner : not yet assigned  
Docket No. : 13533.4041

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

- This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.
- However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
- This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.
- The fee due under 37 CFR § 1.17(p) is submitted herewith.
- A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
- This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

Applicant : J. STUART CUMMING  
Appl. No. : 10/800,274  
Examiner : not yet assigned  
Docket No. : 13533.4041

**STATEMENT UNDER 37 CFR § 1.97(e):**

- Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

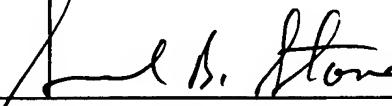
**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

- A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).
- Please charge \_\_\_\_\_ to Deposit Account No. 15-0665 for the above fee(s).
- The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account No. 15-0665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

By:

  
\_\_\_\_\_  
Samuel B. Stone  
Reg. No. 19,297

Dated: July 29, 2004

ORRICK, HERRINGTON & SUTCLIFFE LLP  
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Approved for use through 05/31/2003. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO				Complete if Known	
				Application Number	10/800,274
				Filing Date	March 12, 2004
				First Named Inventor	J. Stuart Cumming
				Group Art Unit	3738
				Examiner Name	not yet assigned
Sheet	1	of	1	Attorney Docket Number	13533.4041 US

**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

AUG 03 2004

PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publications of Cited Documents MM-DD-YYYY
		Number	Kind Code <sup>2</sup>		
	1	4,159,546	A	Shearing	07/03/1979
	2	4,409,690	A	Gess	10/18/1983
	3	4,409,691	A	Levy	10/18/1983
	4	4,657,546	A	Shearing	04/14/1987
	5	4,704,123	A	Smith	11/03/1987
	6	4,743,254	A	Davenport	05/10/1988
	7	4,892,543	A	Turley	01/09/1990
	8	5,180,390	A	Drews	01/19/1993
	9	5,919,230	A	Sambursky	07/06/1999
	10	6,451,056	A	Cumming	09/17/2002

FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publications of Cited Documents MM-DD-YYYY
		Office <sup>3</sup>	Number <sup>4</sup>		
	11	EP	0 375 176	A1 Haworth	06/1990
	12	RU	2034522	C1 Shurkin	05/1995
	13	FR	2728459	A1 Guilbert et al.	06/1996

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials <sup>5</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			

Examiner Signature	DOCSOC1:152711.1	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent documents. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.